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OFFICE OF PETITIONS

In re Patent No. 6,710,358 :
Issue Date: March 23, 2004 :
Application No. 09/513,396 :
Filed: February 25, 2000 :
Attorney Docket No. 4306P :
ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed April 18, 2008, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (2) above.

With respect to item 2: The maintenance fee of \$465 is acknowledged as being received in the U.S. Patent and Trademark Office on April 18, 2008, however, this fee is insufficient because petitioner is no longer claiming small entity status. As of October 2, 2008, the current three and one half year maintenance fee is \$980. To satisfy the requirement of 37 CFR 1.378(c) the petitioner must submit (1) the maintenance fee balance of \$335; and (2) the renewed petition fee of \$400. A renewed petition cannot be considered until the outstanding balance of \$735 is paid.

Any petition for reconsideration of this decision must be accompanied by the **petition fee of \$400** as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a

inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to Diane Goodwyn at 571-272-6735.



Thurman Page
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